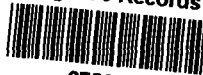


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# EPA to dumpers: try to work it out

Cincinnati Enquirer 1/16/97

## Skinner landfill clients to pay for cleanup

BY BEN L. KAUFMAN  
The Cincinnati Enquirer

The U.S. Environmental Protection Agency is inviting former Skinner Landfill customers to help decide how to split \$9.1 million final cleanup costs at the contaminated Superfund site in Union Township in Butler County.

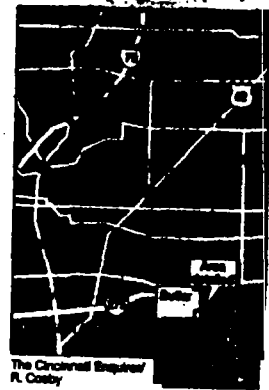
Cooperation is an alternative to the costs and agony of a court fight, Sherry L. Estes, the assistant regional counsel issuing the invitations, said this week.

Refusal invites a work order or bill determined by EPA, Ms. Estes warned in a telephone interview from her office in Chicago.

"We do have the stick, definitely," Ms. Estes said, and she would be "surprised" if a significant number of the 75 firms did not accept her invitation by mid-year.

John Tielsch, a fellow attorney and alternative dispute resolution specialist in the EPA regional office, said participating companies have three choices:

- Mediation, where a neutral mediator helps participants reach a consensus.
- Arbitration, where a neutral arbitrator listens to all sides and then tells them what to pay.
- Asking a mediator to lis-



The Cincinnati Enquirer  
R. Costy

ten to all sides but only recommend an allocation of cleanup costs.

Of the options, Mr. Tielsch said, "We found that mediation is by far the best."

The landfill is near Union Elementary School on Cincinnati-Dayton Road near West Chester. Mined for sand and gravel, it became a dump in the mid-1930s.

It was closed to hazardous waste in 1979, then permanently shut to residential and construction waste in 1986.

Meanwhile, the landfill became a candidate for an investigation under EPA's Superfund

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## Landfill: EPA urges dumpers to divvy up costs

CONTINUED FROM PAGE B3

program, which targets the most contaminated sites in the country.

Millions were spent on studies and designing a permanent solution to its public health threat.

The fenced facility covers 78 acres; the actual landfill is only about 12 acres.

EPA's latest remedial design calls for a 12-acre cover of water-proof plastic, topped by soil and grass.

Jamey Bell, EPA's remedial project manager for Skinner, said the plastic was as effective as two feet of clay traditionally used to cap hazardous waste sites and it minimized the damage from heavy trucks passing the school during construction.

The cleanup project also will include a system to pump contaminated water from under the landfill into a sewer line leading to the Upper Mill Creek wastewater treatment plant.

Using plastic and the existing sewer system reduced projected costs from \$16 million to \$9.1 million, Mr. Bell said. The work, which should begin late this year, is to be complete by mid-1998.

Companies paying for remedial efforts also will pay for perpetual monitoring and any later repairs, he said.

EPA also hopes to recover its study costs from former Skinner customers, while others already have paid for the site cap design.

Mr. Tielsch said the agency is offering alternative dispute resolution to Skinner customers because "it's become pretty apparent that it's going to be a difficult thing to solve."

He would not elaborate, saying conversations have been confidential.

Firms invited to participate include some of the Tristate's major manufacturers and others throughout the center of the country.

EPA's alternative dispute resolution program, pioneered by the agency's Chicago regional staff and encouraged by federal law, has not been used in the Cincinnati area before.

Elsewhere, in the six-state Midwestern region, Mr. Tielsch said, it has been used successfully about a dozen times since the 1988-1989 pilot project.